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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/617,292
Filing Date	July 10, 2003
First Named Inventor	Lawrence James DELUCAS et al.
Art Unit	1743
Examiner Name	Monique Cole
Attorney Docket Number	704641-2001

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply (16 pgs.) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Formal Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Correct Inventorship <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Bingham McCutchen LLP		
Signature			
Printed Name	Sharon E. Crane		
Date	November 6, 2006	Reg. No.	36,113

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

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Attorney's Docket No. 704641-2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Lawrence James DELUCAS et al.)	Group Art Unit: 1743
Application No.: 10/617,292)	Examiner: Monique Cole
Filed: July 10, 2003)	Confirmation No.: 2655
For: METHOD FOR DISTINGUISHING)	
BETWEEN BIOMOLECULE AND)	
NON-BIOMOLECULE CRYSTALS)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement mailed October 4, 2006,
Applicants hereby elect, with traverse, the claims of Group I, Claims 1-8, for further
prosecution in the subject application.

The claims were restricted into the following two groups:

- I. Claims 1-8, drawn to a method for distinguishing between biomolecule
crystals and non-biocrystals.
- II. Claims 9-24, drawn to a device adapted for distinguishing between
biomolecule crystals and non-biocrystals.

According to the MPEP § 803, a restriction between patentably distinct inventions is
proper only where there is a serious burden on the examiner to examine all the claims in a
single application. This is true even when appropriate reasons exist for a restriction
requirement.

In the present application, it is believed that because there is a close relationship among the subject matter to which the Examiner requires restriction and election, there would be no serious burden on the Examiner to examine all the claims at this time. For example, the methods and device claims of Groups I and II, respectively, are both drawn to technologies for distinguishing between biomolecule crystals and non-biocrystals. In fact, the Examiner has recognized that both groups are drawn to the same technology because her descriptions of the groups only differ by the use of the term "method" and "device."

In view of the above, it is respectfully requested that the restriction requirement be withdrawn.


Applicants expressly reserve the right to file a divisional application covering the subject matter of the non-elected claims.

Applicants earnestly solicit favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, in order to expedite prosecution.

Respectfully submitted,
BINGHAM MCCUTCHEN, LLP

Date: November 6, 2006

By:


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